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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/733,277 | 12/12/2003 | Hong-Da Liu | MR2707-52 | 8233 |
| 4586 | 7590 | 03/16/2006 | EXAMINER | |
| ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043 | | | SCHECHTER, ANDREW M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2871 | |

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/733,277

Applicant(s)

LIU, HONG-DA

Examiner

Andrew Schechter

Art Unit

2871

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 1, 5, 6 and 18 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 17 and 18.

Claim(s) objected to: 7.

Claim(s) rejected: 1 and 3-5.

Claim(s) withdrawn from consideration: 2, 6 and 8-15.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 3. NOTE:

The proposed amendments of 8 March 2006 would place the independent claims in condition for allowance, but not all of the withdrawn claims can be rejoined.

The proposed amendment would amend claim 1 to include the limitations of claims 4 and 7, and cancels claims 4 and 7; this would make claim 1 allowed. Claim 3 is an appropriate dependent claim of claim 1, so it would also be allowed. Claim 5 would be amended to depend on claim 1, so it would also be allowed.

Claims 2 and 6 are withdrawn dependent claims, which would both depend on claim 1 (after the proposed amendment to claim 6). In the examiner's opinion, the specification gives sufficient support for a device having all the limitations of the dependent claims 2 and 6, so these would be rejoined and allowed.

Claims 8-11 are withdrawn dependent claims, which recite the additional limitation that each of the plurality of reflectors has an optical grating. The specification discloses embodiments using an optical grating separately from embodiments having oblique reflectors, etc., as recited in the amended claim 1; it does not appear that the specification gives support to the device of claims 8-11, including both their own recited limitations and the limitations amended to claim 1, nor does it appear the device of claims 8-11 is a trivial modification of the embodiments in the specification. Claims 8-11 would therefore not be rejoined.

Similarly, claims 12-14 are withdrawn and recite an additional limitation of a planar reflective surface and a transparent element for refracting light to vertical, which is disclosed in a separate embodiment in the specification from that of the amended claim 1. Again, it does not appear that the specification gives support to the claimed invention or that the claimed invention is a trivial modification of the embodiments in the specification. Claims 12-14 would therefore not be rejoined.

Claim 17 is allowed, and claim 18, if amended as proposed, would also be allowed.

Regarding claims 8-14, these claims could be cancelled, or the applicant could point out to the examiner where in the specification and figures support for each of these claims is found, to show that the claims should not be rejected over new matter and/or lack of enablement. If the applicant believes that this issue could be most efficiently dealt with in a phone conversation, please contact the examiner at (571) 272-2302.



Andrew Schechter
Primary Examiner
Technology Center 2800
15 March 2006